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In re Application of	:	DECISION ON RENEWED
Paul Edmonds	:	
Application No.: 09/889,911	:	REQUEST UNDER
Int. Filing Date: 21 January 1999	:	
Priority Date: 21 January 2000	:	37 CFR 1.497(d) AND
Attorney's Docket No.: 09872-002003	:	
For: UNIVERSAL INTERFACE FOR VOICE	:	PETITION
ACTIVATED ACCESS TO MULTIPLE	:	
INFORMATION PROVIDERS	:	AND 37 CFR 1.10(c)

This is a decision on applicants' "Second Renewed Request Under 37 CFR 1.497(d)" filed on 22 February 2005 and the fax transmission 20 April 2005, which is also being treated as a petition under 37 CFR 1.10(c) requesting that the executed declaration was received at the USPTO on September 30, 2003.

### **BACKGROUND**

In a decision from this Office mailed on 07 January 2005, the decision indicated that the request was dismissed because Alan Minsk did not have apparent authority because his title is of Director and Patent Counsel. This title is not presumed to be an officer that has authority to sign on behalf of the organization. Therefore, the request did not satisfy item (3) of 37 CFR 1.497(d).

On 07 January 2005, applicant filed the current request, which includes a copy of delegation of signature authority to Mr. Minsk.

### **DISCUSSION**

#### **37 CFR 1.497(d):**

In regard to item (3), Openwave Systems has submitted a delegation of signature authority to Mr. Minsk. This is a proper communication delegating authority to Mr. Minsk for signing the required papers for the above application. Applicant has satisfied item (3) under 37 CFR 1.497(d).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

### **CONCLUSION**

For the reasons above, the request under 37 CFR 1.497(d) to add Stephen Co and David Weinstin as inventors is **GRANTED**.

**37 CFR 1.10(c):**

37 CFR 1.10(c) provides:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

A review of the application papers reveals that "Express Mail" Label No. EV 321387291 US was placed on the itemized return-postcard stamped by the USPTO with a date of 01 October 2003. However, the copy of the customer receipt of "Express Mail" Label No. EV 321387291 US filed identifies the day of deposit as "September 30," and stamped by the USPS as September 30, 2003. Accordingly, the requirements under 37 CFR 1.10(c) have been satisfied.

The date of receipt of the executed declaration for the above application is 30 September 2003, which is the date that petitioner satisfied the requirement under 35 U.S.C. 371(c)(4).

**CONCLUSION**

For reasons above, the petition under 37 CFR 1.10(c) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **30 September 2003**.



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